

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
MICHAEL ANTHONY JENKINS) Case No: 1:02CR00105-004
Date of Previous Judgment: 3/19/2004) USM No: 18190-058
(Use Date of Last Amended Judgment if Applicable)) Tanzania Cannon-Eckerle
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34 Amended Offense Level: 34
Criminal History Category: VI Criminal History Category: VI
Previous Guideline Range: 346* to 411* months Amended Guideline Range: 346* to 411* months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain): No reduction recommended as there is no change in the guideline calculations due to the defendant's status as a Career Offender.

III. ADDITIONAL COMMENTS

*This range includes an 84 month consecutive term of imprisonment the defendant was convicted of for a violation of 18 U.S.C. § 924(c).

Except as provided above, all provisions of the judgment dated 3/19/2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 27, 2009

Effective Date: _____
(if different from order date)


Lacy H. Thornburg
United States District Judge 